

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NATIONAL RIFLE ASSOCIATION OF
AMERICA,

Plaintiff and Counter-Defendant,

and

WAYNE LAPIERRE,

Third-Party Defendant,

v.

Case No. 3:19-cv-02074-G

ACKERMAN MCQUEEN, INC.,

Defendant and Counter-Plaintiff,

and

MERCURY GROUP, INC., HENRY
MARTIN, WILLIAM WINKLER,
MELANIE MONTGOMERY, AND JESSE
GREENBERG,

Defendants.

**ACKERMAN MCQUEEN, INC.’S MOTION FOR LEAVE TO AMEND THIRD-PARTY
COMPLAINT AGAINST WAYNE LAPIERRE AND
JOIN THIRD-PARTY DEFENDANT THE NRA FOUNDATION, INC.**

Ackerman McQueen, Inc. (“AMc”) files this *Motion for Leave* (“*Motion*”) to Amend *Third-Party Complaint* (“*Third-Party Complaint*”) against Wayne LaPierre (“LaPierre”) and Join *Third-Party Defendant The NRA Foundation, Inc.* (“*Foundation*”),¹ attached hereto as **Exhibit 1**. Accompanying this Motion is a Brief in Support Thereof.

¹ Pursuant to Plaintiff’s recent filing of its Suggestion of Bankruptcy (Doc. 193) under Chapter 11 of the United States Bankruptcy Code and the automatic stay of all claims against the National Rifle Association (“NRA”) under 11 U.S.C. § 362(a), AMc does not assert any additional or amended claims against the NRA herein, but intends to do so at such time as the stay is lifted.

This Motion is timely filed in accordance with the Order of this Court that “all motions requesting joinder of additional parties or amendments of pleadings shall be filed on or before February 17 2021.” ECF No. 200. The Order further provided that, with respect to the NRA’s current bankruptcy proceedings, if the bankruptcy stay were lifted “for any reason, including the dismissal of the NRA Bankruptcy,” the deadline to file a motion for joinder or to amend pleadings would be “ten calendar days from the date the stay is lifted.” *Id.* The stay has not been lifted and the NRA’s bankruptcy case has not been dismissed. Accordingly, this Motion is timely.

WHEREFORE, for good cause shown in the submissions filed herewith, AMc asks the Court to grant this Motion and allow AMc to file its Amended Third-Party Complaint, join the NRA Foundation as a third-party defendant, and any such further relief at law or equity to which it may be entitled.

Dated: February 16, 2021.

Respectfully submitted,

/s/ G Michael Gruber

Jay J. Madrid, Esq.
Texas Bar No. 12802000

madrid.jay@dorsey.com

G. Michael Gruber, Esq.
Texas Bar No. 08555400
gruber.mike@dorsey.com

J. Brian Vanderwoude, Esq.
Texas Bar No. 24047558
vanderwoude.brian@dorsey.com

Brian E. Mason, Esq.
Texas Bar No. 24079906
mason.brian@dorsey.com

DORSEY & WHITNEY LLP
300 Crescent Court, Suite 400
Dallas, Texas 75201
(214) 981-9900 Phone
(214) 981-9901 Facsimile

**ATTORNEYS FOR THIRD-PARTY
PLAINTIFF ACKERMAN MCQUEEN, INC.**

CERTIFICATE OF CONFERENCE

On February 11, 2021, counsel for Defendants conferred with counsel for the NRA and LaPierre concerning the merits of this Motion. Counsel for the NRA is opposed to the Motion, and counsel for LaPierre indicated that LaPierre is reserving his decision until reviewing the Amended Third-Party Complaint.

/s/ Brian E. Mason

Brian E. Mason

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2021, I filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rules of Civil Procedure 5(b)(2).

/s/ G Michael Gruber

G. Michael Gruber